

other. The jury which met on Friday, not having agreed, they met on Saturday, and having found a verdict, the body was buried about 1 o'clock. P. M. On Monday the coroner, in consequence of the letters found in her trunk, and the paper found in the hand box, ordered the body to be taken up for another inquest; it was removed to the barn near the burying ground, and examined by Dr. Hooper and Dr. Wilbor. I did not myself examine it particularly; the jury did, and it was buried again the same day. It was again disinterred on the 25th January, I believe, and examined by the same medical men.

**Attorney General.**—Where were you about sunset on Thursday, the 20th December last, the day before you saw the body?

**Witness.**—I was near my house driving my cattle to fodder them for the evening, a few minutes before sunset, and saw a man about 20 rods from where I found the body, and about 80 rods from where I stood; he was standing still facing westward; I could not see his face, but he was a tall man, wearing a surcoat of a dark color, and a hat with a broader brim and higher crown than common. My attention was called in that direction by hearing a rock blow up, and this explosion was succeeded by another more loud; the blasts occurred in the distance between the man and village of Fall River towards the north, the stack yard would command a view of the village.

**Cross-examined by Mr. Randolph.**—I don't know who first recognized the body to be that of Sarah M. Cornell; but I was first told who it was by the Rev. Mr. Bidwell, the minister of Fall River. I did not unhook the cloak when I lowered down the body, though one hook may have opened in lowering, for it appeared more open when she was lying on the ground than when hanging. I will not swear two hooks were not unhooked before she was taken down. Mr. Hicks, the coroner, came to hold the second inquest on Monday, in consequence of my showing or telling him on Sunday the contents of the small slip of paper which was found in the handbox; it was the same jury as before except two members, who not being freeholders, were with drawn for others. When I cut the body down, I left the part of the string which was fastened to the stake hanging there, but it was removed the next day when I went to look for it; I am certain there were four ends hanging from the stake when I left it there.

**By the Attorney General.**—I am not certain there was more than one hook of the cloak open at all. It was from Dr. Wilbor, I heard she had letters in her trunk, for he said he had seen one which she had. I know the piece of paper externally, by its "countenance," from its being rather dirty.

**By Mr. Mason.**—I never said I knew it by the pencil writing inside. All I said about a pencil was that I saw one near it, in the bottom of the box.

**2. William Durfee.**—I reside at Tiverton and did so on the 20th Dec last. I was called to be one of the jurors on the body of Sarah M. Cornell, after it was laid on bed at John Durfee's; I examined the neck to see if it was broken, but could not discover that it was. I could not at first perceive any cord, it was so deep in the neck, but on turning to one side I saw a little knot and string near the right ear, but not under it. It was what is called by farmers two hitches; but we who have been to sea, call it a 'clove hitch.' We

some times use it in killing calves, passing the cord twice round the neck, taking the hitches, and then one (person) pulling one way and the other another. Farmers some times call it a 'cow hitch.' It must be drawn horizontally, and will not draw if pulled in any other way. It was exactly round her neck, as near to one ear as to the other; I tried to get hold of it with my finger nails, but could not, and called John Cook to help me get it out, for I was afraid to use a knife lest I should cut the skin; however we were compelled to cut the cord, and when we had picked out the ends, we gradually passed it round the neck till it was unhooked; the cord strings were under it. It was a kind of string which sailors call marline, though some call it houting (strong produced). This is like the string, but rather more open at the ends than it was then; this appears to be the whole of it except two or three inches which I cut off and gave away. [At the request of the Attorney General, witness here made the clove hitch upon his thumb, showing how it acted.] Every body knows that a clove hitch must be drawn horizontally, with both hands, or you will never get it tighter where the knot is.

**Foreman of the Jury.**—I want to ask the witness for my satisfaction and that of the jury, whether that knot will not draw at all in a perpendicular direction, when the ends are brought together? [Witness again took the string and showed the impossibility.] So you see, it will not draw at all fixed that way.

**Cross Examined.**—What I stated at the Bristol examination was, that there might be three or four inches of the string hanging from her neck when she was cut down. I don't think it was five inches, but will not swear it was not six; I speak to the

best of my recollection both now and then. [During the examination of this witness, the prisoner placed a piece of red tape in various forms on his hands, with an air of abstraction.] I measured the distance of the cord around her neck from the ears, and it was about an inch and a half from each. I speak to the best of my recollection, and if you want to get more from me it will not be evidence.

**3. Seth Darling.**—Described the position and dress of the body, state of the cord around the neck and stake, and other circumstances, precisely like the previous witnesses, adding—her hair was a good deal "frowzelled" and dishevelled over her face, and her calash was bent back on the left side; both hands were under her cloak, the right raised up to her breast, and the left down by her side. The boggy grass around did not appear to have been trodden on, and there was no appearance of a struggle either in the stack yard or near it. I acted as Post Master, at Fall River, on Monday, the 19th of November last; I made up the mail for Bristol that day, the only day in that month I did make it up; it contained but one letter, and this was directed to the Rev. Mr. Avery. I recollect this, and the entry which I made in the office book and in the way bill at the time; I can produce a copy of the entries which I then made; I took the copy in the month of March, when this trial was expected to come on. [Mr. Mason here objected to the admission of this copy as evidence, saying the witness must either depose to the fact from memory, or from the original entry. The Attorney General replied that as the original was within his reach, he would for the present chance the correctness of witness's memory.] Another letter was put into the box with this one directed to Mr. Grindall Rawson, South Woodstock, [brother in law to the deceased] the water of which was wet when taken out of the box. [Letter produced, marked Fall River, Nov. 19th, fig. 10, which witness identified by his own mark on it.] I was standing about two feet from the box, which I had cleaned out about half a minute before, when I heard two letters dropped in, but I took them out immediately, and they were those I have mentioned.

**Cross-examined.**—In a most protracted cross examination of this witness, respecting his being a member of the Committee of Vigilance, at Fall River, and his means of recollecting the above letters, nothing of importance was elicited except the following:—It was the custom of the officer to mark letters with red ink, but in acting for the Post Master that day, who was sick, I marked the letters with black ink; one reason also of the name of Avery being impressed upon my mind was that it occurred to me at the time he was the Methodist minister at Bristol, although I did not know him personally. Recess of Court till 3 P. M.

**4. Lemuel Briggs.**—I have been the Post Master at Bristol for ten years; I recollect the entry of a letter from Fall River on the 19th November, addressed to the Rev. Mr. Avery; has some recollection of the letter independently of the entry, but could not swear positively without the books and way bill, which he had neglected to bring. [And Mr. Mason contending that testimony founded on memory refreshed by written documents, could not be evidence unless the original documents were produced to corroborate it, the Attorney General moved the Court for a subpoena Ducus Tecum to obtain them.]

**5. Elihu Hicks.** (Coroner of Tiverton.) deposed to the situation, &c. of the body when found, the proceedings of the inquest, and his custody of the letters immediately after they were found in her trunk, &c.

**Cross examined** a long time, and with amazing difficulty, being an old man of irritable temperament and rather deaf. I don't know to a certainty whether I swore the jury or not; I charged them at the stake; I have held half a dozen inquests before without swearing a jury, and one on which you (Mr. Randolph) was concerned—that of the colored woman; the verdict I believe was suicide, but I don't think it was signed by all the jurors; three or four signed it, but not more than four; I don't know where the verdict is, I left it on the table and it has been lost; I will go home and look for it, (reluctantly) but if I can't find it I won't bring it. [We have been informed this verdict was written in the following words: "The deceased, S. M. Cornell, died by committing suicide upon herself, with the assistance of a married man."] The second verdict I believe is in court, except the testimony of Dr. Wilbor, which he borrowed of me, and which has been published in the newspapers. Witness put on his hat and asked when he should be wanted again.

**5. Dr. Foster Hooper.**—I practise medicine at Fall River, where I first went after closing my studies, and where I have resided five years. I did not see the body of Sarah M. Cornell, before it had been interred, but on the Monday following her death, in John Durfee's barn. There was a deep indentation all round the neck from three-eighths to half an inch in depth; it was nearly horizontal, and on carrying the head back it became quite

so; it was of a reddish black color, dry, and presenting the appearance of parchment; on the right side of the indentation, the cuticle or scarf skin lay in fine shrunken plates, as though the cord had been drawn very swiftly, and they had been pinched between its strands. The indentation crossed the thyroid cartilage and the spinous process of the second vertebra of the neck, and was an inch and an eighth below each ear. On the right cheek and temple there were irregular indentations, perfectly colorless, as though occasioned by pressure against some hard substance after circulation had ceased. The stomach appeared perfectly healthy, but the lungs were engorged with black venous blood; on the knees were several scratches and abrasions which had drawn blood; they were also dirty, and stained green as with the juice of grass. There were a few scratches on the left leg below the knee, and at two places skin was knocked off about the size of a four penny piece (64 cents). The right side of the abdomen was of a livid hue, but the lividity was so diffused that it appeared more like incipient putrefaction than the discoloration of bruise; on the left side however, just above the hip, there was a considerable contusion which could not be mistaken. We discovered a *fatus*, which at first appeared to be about half grown, but it required a minute inspection to ascertain its sex, which proved to be female, and was returned to the body. We did not at this time examine the lowest parts of the abdomen, for some of the jury objected to the removal of the cloth with which they were covered. The countenance of the deceased was not much distorted; the eyes were closed, and the face pale, which is not often the case in bodies which have been hung. The tip of the tongue was a little between the teeth. At the second examination, on the 26th January we found the body in nearly as good a state of preservation as at first, and there was no more smell but the face apparently in places where the frost had bitten it was covered with a white mould, and underneath by making an incision we found the substance which resembles spermaciti. Dr. Wilbor and myself directed our attention to certain parts for the purpose of ascertaining whether any violence had been applied to those particularly. On removing the cloth we perceived the discoloration to be much lower than we had before observed. The lower abdominal muscles had evidently been bruised, for they were mixed with extravasated blood; and on dissecting the superficial muscles of the back, on each side of the spine, just above its junction with the pelvis we found the same appearances, but a little higher on the left side than the other, and each bruise was about two inches over. The bruises in front appeared to extend from one groin to the other. We then carefully dissected out the part referred to; the cavity of the uterus appeared as usual, but its orifice was nearly black and open, and the upper part of the vagina around it was dark livid. These appearances induced us to apply the test of washing, to ascertain whether they were the effect of force from a hard substance; we accordingly cut the uterus into small sections, and found that its dark and livid portions would wash white, whilst the parts which bore a healthy appearance would not. We applied this established test to some pieces of the large and small intestines, but these not having been bruised, would not wash white. I am unable to say whether these peculiar discolorations are ordinarily the result of death by strangulation. I should think not. In consequence of rumors that the right arm of the deceased was broken, we examined it, and found it was not. We measured and weighed the fetus as accurately as possible, and found its length to be 8 inches, and its weight 5 ounces. The umbilical cord attached to it was an inch and a half in length. I am of opinion that although some of the discolorations were partly occasioned by incipient putrefaction, there was one bruise at least which could not be doubted. I am of opinion that the cord around the neck was drawn tight enough to have stopped the circulation not only in the veins but in the carotid arteries. We passed a string round the neck in the indentation, and then on the outside of it, and the difference of circumference if I correctly remember, was an inch and a half; it would probably have been more had the head been placed back when we measured, for the diameter of that part of neck is less when the head is in that position.

**Cross-examined.**—The engorged state of the lungs might have been the same whether she died of strangulation or of hanging. The blood might descend to the abdomen and extremities by gravitation and thus discolor those parts, but this could occur only when the vessels had become too weak to suspend it by capillary action; the cellular membrane would become dark but not the muscles. Some of the muscles were covered with extravasated blood, which we removed with forceps, and these being bruised would wash white. I never delivered a lecture in Swansea in which Avery was mentioned. He might have been talked of in a private conversation after my lecture, and this reported as a part of it. I am

convinced that violence was exercised upon Sarah M. Cornell before her death. [In order to determine at what stage of pregnancy this woman died, the witness was cross-examined for nearly an hour and a half upon several of the most delicate branches of medical science, and in which it was evident the examining counsel had made curiously minute research; but unless we had time to clothe this testimony in more highly technical language than it is expressed in our notes, it would be utterly unfit for general publication. Notwithstanding these authorities for determining the age of a fetus by its length and weight; I am convinced that fetuses of the same age differ in both, as often as children do at their birth. I do not think the woman was so far gone as I at first supposed.]

**7. Dr. Thomas Wilbor.**—A member of the Society of Friends, and a physician of great experience, who had assisted in the examination of the body, described its situation and appearances precisely like the last witness, and expressed the same opinions concerning them. He proceeded to say "I had seen the deceased several times before her death, for she had consulted me about her health, and wished to know whether she was in a state of pregnancy; I could not form a decided opinion the first visit, but afterwards told her she was undoubtedly so. This was 7 or 8 weeks prior to her death."

**Attorney General.**—If it please the Court I propose to ask the witness whether the deceased made any communication to him in reference to the author of her situation, and what the conversation was that passed between them. I did not ask the witness this question, because I knew the learned counsel opposite intended to object to it; but I propose that the conversation be stated to prove the facts: 1st. That she did make known her situation, and 2d, that she did name a certain individual as the cause of her situation. I these facts I propose to prove because I understand one of the principal grounds of defence in this cause is, that the deceased committed suicide; and these facts, if proved, will show that the usual motives to suicide under similar circumstances, namely the fear of disclosure, could not here have impelled her, for they will show that she had already disclosed both her situation and its author.

**Mr. Randolph.**—The real object, if it please the Court, with which the Attorney General proposes to get in this conversation, is to implicate my client as being the father of this woman's child, and thus to prove a very important part of the case by second hand declarations of her own; but by no rule of law can such testimony, be admitted: her declarations have not the authority of dying testimony, and were not made under oath. The fact that she applied for medical aid may be evidence, but her declarations are not, and they must die with her.

The Court adjourned till morning.

**FIFTH DAY.**  
**Friday, May 10.**

The Court met at 8 o'clock, A. M.

The Attorney General said he should not delay the trial at present by continuing to discuss the question of evidence raised last evening, but should proceed with the testimony.

**Dr. Thomas Wilbor.** (cross-examined.)—When I first saw the body, the day after her death, the tightness of the string round her neck, her cloak being hooked throughout, and her arms and hands under it with gloves on, were circumstances which looked like homicide, and caused a doubt on my mind which I could not dispose of. After a multitude of unimportant questions, Mr. Randolph said—on your last examination of the body was there any thing apparent from which you would swear in a case of life and death, that a hard instrument had been introduced for the purpose of producing abortion? Witness.—There is a difference in feeling certain of a thing and able to swear to it; it but to the best of my knowledge and belief the discoloration which was found on the parts, could not have arisen from any other cause. A pretty warm debate ensued between the counsel, towards the conclusion of Dr. Wilbor's testimony, on the subject of deposition which he gave before the coroner, and which had afterwards enlarged, and permitted to be published in a Providence paper in March last. The witness expressed his regret it should have been published at that time, as it contained all the statements which the deceased had made to him with respect to Avery; but at the time witness gave it to the Editor, he did not know that Avery would return to this section of the country. Mr. Mason concluded a discussion more than usually exciting by an attack upon newspapers in general, which we will not report, lest it should utterly exterminate a class of publications to which some persons have been largely indebted for their reputation.

**Lemuel Briggs,** Postmaster at Bristol, (4th witness) recalled.—On the 19th November one letter was received from Fall River, postage 6 cents; there are several other charges entered against Mr. Avery that month, and my son took a receipted bill of them to him, which he paid; there were two charges a-

gainst him of 6 cents each, one on the 12th and the other on the 19th of November; the letter of the 12th was the only one in the mail from Fall River, on that day. I have no recollection that these letters were delivered to A. himself, though he keeps a box at the office. I never saw a letter in the office directed to Betsy Hills, (L. D.) and I do not know any person of that name.

**Cross-examined.**—I have no recollection of the dates on which these letters were received except from the records of the office, but I believe it from them; the letters are always entered, and I know of no deviation from the rule.—The waybills are sent to Washington quarterly, and there kept. The entry on the 12th of November is in my hand writing; that on the 19th is my son's; the letter charged to Avery could not have come more than 30 miles.

**8. William Allen.** corroborated the testimony of the first two witnesses, as it respects the position and peculiarities of the body when found.

**9. Benjamin Manchester,** also deposed to the same facts, adding,—From the stackyard, I went to my labor, and about 18 or 20 rods from where the body lay I found a piece of a woman's comb, which has since been known to be S. M. Cornell's; the one produced is the same. I work on the land belonging to Andrew Robinson, about 50 rods N. W. of the stackyard; and on the 20th December last, about sunset, Abner Davis and I started for the west end of the meadow towards the shore, leaving a considerable charge of powder in a rock on which we had been working to blast it. Near the west end of the meadow we saw a man setting on the wall, with the skirts of his coat held up in his hands; he jumped down, and as he was crossing where we had passed, quite in a direction which would expose him to danger from the explosion, I told Davis to sing out to him, and just as he halted the powder took fire. He canted his head a little to avoid the falling stones, and if he had gone much further they would have fallen very near to him. He was dressed in a dark brown surcoat coat, buttoned up snugly, and a wide brim'd black hat. His height was rather above the common standard, but I had no opportunity to see his features; he first went square across the meadow, and then hauled east. I have since seen E. K. Avery, and the dress, stature and appearance of the man in the meadow resembled in every particular those of the prisoner. There was a cart standing in the lot where we worked, about 100 rods from the stackyard, into which we had put some bags we use to sit upon in drilling with some of our tools, and these bags were sewn up with such cord as that round the stake.

**Cross-examined.**—There is no wall between the stack and the place where I found the comb; the ground is rough, and rather descending towards the stack. There are no apple trees within 50 rods of the spot where I found the comb, but now and then some rose-bushes and briars.

[TO BE CONTINUED.]

**Greenville, (N. C.) May 4.**—A strange notion prevails among superstitious and illiterate people, that the human frame is susceptible of gendering snakes, lizards, etc. and when a person is bitten by them, they are propagated, and formed within their system, and attach themselves to some viscous—perhaps the liver or kidneys. We have known an individual, who was thus strangely infatuated; who often said he could feel the reptile coiling in his stomach, and describes it as being of the size of his arm. This person has, on numberless occasions, expressed a desire to undergo a surgical operation, in the belief, that the snake might be extracted, but was as often told he was laboring under an affection of the liver; which he would become angry, and persisting, declare the snake was eating out his vitals. A few days since, he died; and, according to promise, a surgeon of our town opened him. We witnessed the post mortem examination, and, to our astonishment, beheld the greatest mass of disease in the liver, our eyes have ever seen. We could not perceive a sound spot on his viscous; one entire body of corruption and abscess; and was four times larger than its natural size. We saw the abdominal, as well as thoracic viscera, examined; many parts of which were diseased; the heart on one side was unsound—the pericardium containing considerable water.

The St. Johns (New Brunswick) Observer announces the death of Mr. Paul who was wounded at the battle of Lexington, and fired the first gun on the British side on that memorable day.

There were 17 deaths in the city of Cincinnati, during the week ending on the 8th inst. of which 7 were by Cholera, viz:—John Fosley, aged 45; Wm. Cooper, 27; Rebecca Maywood, 51; Polly Spencer, colored woman, 51; Edith Dugan, 34; Daniel Bachelor, 69; Mary Harden, 25.